

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BILLY JOHN ROBERSON,

§

Plaintiff,

§

v.

§ Civil Action No. **3:06-CV-1570-L**

LISA MATZ, et. al.,

§

Defendants.

ORDER

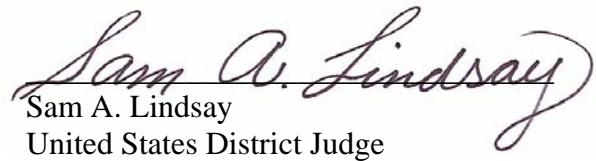
This is a civil rights action brought under 14 U.S.C. § 1983 by a *pro se* prisoner. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On October 31, 2006, the Findings, Conclusions and Recommendation of the United States Magistrate Judge were filed, to which no objections were filed.*

After making an independent review of the pleadings, file and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct. They are, therefore, accepted as those of the court. To the extent that Plaintiff's complaint seeks monetary relief from defendants who are immune from such relief, and those from which no cognizable claim has been stated, the complaint is hereby **dismissed with prejudice**. To the extent that Plaintiff's complaint may be construed as a petition

*The court notes that the findings and recommendation initially mailed to Plaintiff at the wrong address was returned on November 7, 2006, as undeliverable. The clerk of court re-mailed the findings and recommendation to the address provided by Plaintiff on December 8, 2006, to which no objections have been filed.

for a writ of habeas corpus, it is hereby **dismissed without prejudice** for failing to exhaust state habeas remedies. Finally, Plaintiff's motion to proceed *in forma pauperis* is hereby **denied as moot**.

It is so ordered this 23rd day of January, 2007.


Sam A. Lindsay
United States District Judge